IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

CRP.No. 2471 of 1999(E)

OS.124/1998 of MUNSIFF COURT, KODUNGALLUR
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REVN. PETITIONERS:
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1. KOMALAM, W/O.NJATTUVETTITHARAYIL NARAYANAN,
   MURIYAMTHODU DESOM, VALAPAD VILLAGE, CHOWGHAT TALUK.

2. UDAYAN, S/O.-DO-, -DO-, -DO-.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:
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1. LAKSHMANAN, S/O.THEKKUTTU GOVINDAN, KOTTAMKULAM DESOM,
   PERINJANAM VILLAGE, KODUNGALLUR TALUK.

2. THANKAM, W/O.THEKKUTTU LAKSHMANAN, DO. DO. DO.

3. GOPINATHAN, S/O.THEKKUTTU LAKSHMANAN, DO. DO. DO.

4. DEVAN, S/O.THEKKUTTU LAKSHMANAN, DO. DO. DO.

5. UNNIKRISHNAN, S/O.THEKKUTTU LAKSHMANAN, DO. DO. DO.

6. SUDHEER, S/O.THEKKUTTU LAKSHMANAN, DO. DO. DO.

R1, R2 & R4 TO R6 BY ADV.SRI.M.P.RAMNATH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CMP NO.5066 OF 1999 IN C.R.P NO.2471 OF 1999

DISMISSED.

24.5.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

SRD

PIUS C. KURIAKOSE,J.

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C.R.P.No.2471 of 1999

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Dated: 24th May, 2007

ORDER

The plaintiff impugns the order dismissing an application for issuance of a commission for recording the evidence of the 1st petitioner on the ground that she has laid up and is not in a position to come over to the court. The learned Munsiff dismissed the application on the reason that even going by the medical certificate which was produced along with the commission application the 1st petitioner has been advised rest only for 10 days and after the expiry of that period he will be in a position to come over to the court and depose from the witness box. Considering the amendments which have been introduced to the C.P.C. by the amending statute, Act 22 of 2002, the application for issuance of commission is only to be allowed. Accordingly, I set aside the impugned order and I.A.No.2375 of 1999 will stand allowed.

The C.R.P. is allowed as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**